

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and the Estate  
of Bernard L. Madoff,

Plaintiff,

v.

STANLEY SHAPIRO, *et al.*,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05383 (SMB)

**STIPULATED ORDER  
OF MEDIATION REFERRAL AND MEDIATOR SELECTION**

**WHEREAS**, on March 31, 2016, the Bankruptcy Court for the Southern District of New York entered a Case Management Plan (“CMP”) (ECF No. 68) that required plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of Bernard L. Madoff Investment Securities LLC and the substantively consolidated estate of Bernard L. Madoff, and defendants in the above-captioned adversary proceeding (the “Defendants,” and together with the Trustee, the “Parties”) to mediate the Trustee’s claims at the close of discovery pursuant to the processes provided for in Section 5 of the Avoidance Procedures Order (the “Procedures Order”) attached

to the Court's Order Establishing Case Management Procedures for Avoidance Actions, dated November 10, 2010. *See* CMP, ¶ 4; and

**WHEREAS**, pursuant to the Procedures Order, the Parties have met and conferred and have agreed upon a person to mediate the Trustee's claims in preparation for the close of discovery on July 31, 2019.

**NOW THEREFORE**, it is hereby stipulated and agreed by and between the Parties through their respective undersigned counsel, and **SO ORDERED** by the Court, that:

1. The Honorable Faith S. Hochberg, United States District Judge (ret.), shall act as mediator in this adversary proceeding; and
2. The mediation shall occur on July 23, 2019, at the offices of Baker & Hostetler LLP, and, if necessary, shall continue on a day mutually agreed to by the Parties and Judge Hochberg.

Dated: July 10, 2019  
New York, New York

**BAKER & HOSTETLER LLP**

By: /s/ David J. Sheehan  
45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com

*Attorneys for Plaintiff*

**LAX & NEVILLE LLP**

By: /s/ Barry R. Lax  
1450 Broadway, 35<sup>th</sup> Floor  
New York, NY 10018  
Telephone: (212) 696-1999  
Facsimile: (212) 566-4531  
Barry R. Lax  
Email: blax@laxneville.com

*Attorneys for Defendants*

Dated: July 10<sup>th</sup>, 2019  
New York, New York

**/s/ STUART M. BERNSTEIN**  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE